

3739  
12/12/2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Dany Berube  
APPLICATION NO.: 10/039,873  
FILING DATE: January 3, 2002  
TITLE: Flexible Device For Ablation Of Biological Tissue  
EXAMINER: Aaron F. Roane  
GROUP ART UNIT: 3739  
ATTY. DKT. NO.: 23488-09188

**CERTIFICATE OF MAILING**

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Dated: 11/9/04 By: A. C. Smith  
Albert C. Smith, Reg. No.: 20,355

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**INFORMATION DISCLOSURE STATEMENT**  
**Under 37 CFR §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing

date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR §1.113; or (2) an action that otherwise closes prosecution in the application, and:

- attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- Applicant certifies pursuant to 37 CFR § 1.97(e) that:
  - each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;  
OR
  - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
  - Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
    - each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;
    - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated

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under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

- attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR.§ 1.97(c); OR
- after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.
- This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. \_\_\_\_\_, filed on \_\_\_\_\_, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- This application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirements under 37 CFR 1.98(a)(2)(i), copies of each U.S. Patent and each U.S. Patent Application Publication are not required to be submitted. Copies of any foreign patent documents and non-patent literature cited herein are enclosed.
- Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,  
DANY BERUBE ET AL.

Dated: 11/9/04

By: A-C. Smith  
Albert C. Smith, Reg. No.: 20,355  
Fenwick & West LLP  
801 California Street  
Mountain View, CA 94041  
Tel.: (650) 335-7296  
Fax.: (650) 938-5200

**TRANSMITTAL FORM***(to be used for all correspondence during pendency of filed application)*

		Application Number	10/039,873
		Filing Date	January 3, 2002
		First Named Inventor	Dany Berube
		Group Art Unit Number	3739
		Examiner Name	Aaron F. Roane
Total Number of Pages in This Submission	14 *	Attorney Docket Number	23488-09188

**ENCLOSURES (check all that apply)**

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**REMARKS:****SIGNATURE OF ATTORNEY OR AGENT**

Signature:	<i>A.C. Smith</i>	
Attorney/Reg. No.:	Albert C. Smith/Reg. No. 20,355	Dated: 11/9/04

**CERTIFICATE OF MAILING**

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Signature:	<i>A.C. Smith</i>	
Typed or Printed Name:	Albert C. Smith	Dated: 11/9/04
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT****Complete if Known**

Sheet 1 of 11

Application No.	10/039,873
Filing Date	January 3, 2002
First Named Inventor	Dany Berube
Art Unit	3739
Examiner Name	Aaron F. Roane
Attorney Docket Number	23488-09188

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document No.	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-3,598,108	08-10-1971	JAMSHIDI ET AL.
		US-3,976,082	08-24-1976	SCHMITT
		US-4,033,357	07-05-1977	HELLAND ET AL.
		US-4,045,056	08-30-1977	KANDAKOV ET AL.
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		US-4,204,549	05-27-1980	PAGLIONE
		US-4,244,371	01-13-1981	FARIN
		US-4,312,364	01-26-1982	CONVERT ET AL.
		US-4,409,993	10-18-1983	FURIHATA
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		US-4,476,872	10-16-1984	PERLIN
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		US-4,583,556	04-22-1986	HINES ET AL.
		US-4,601,296	07-22-1986	YERUSHALMI
		US-4,611,604	09-16-1986	BOTVIDSSON ET AL.
		US-4,640,983	02-03-1987	COMTE
		US-4,641,646	02-10-1987	SCHULTZ ET AL.
		US-4,641,649	02-10-1987	WALINSKY ET AL.
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		US-4,655,219	04-07-1987	PETRUZZI
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		US-4,763,668	08-16-1988	MACEK ET AL.
		US-4,785,815	11-22-1988	COHEN
		US-4,800,899	01-31-1989	ELLIOTT
		US-4,823,812	04-25-1989	ESHEL ET AL.
		US-4,825,880	05-02-1989	STAUFFER ET AL.
		US-4,841,988	06-27-1989	FETTER ET AL.

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Sheet 2 of 11

**Complete if Known**

Application No.	10/039,873
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First Named Inventor	Dany Berube
Art Unit	3739
Examiner Name	Aaron F. Roane

Attorney Docket Number 23488-09188

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Examiner Initials*	Cite No. <sup>1</sup>	Document No.	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	US-4,841,990	06-27-1989	KIKUCHI ET AL.	
	US-4,881,543	11-21-1989	TREMBLY ET AL	
	US-4,891,483	01-02-1990	KIKUCHI ET AL.	
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	US-5,344,431	09-06-1994	MERRITT ET AL.	

Examiner Signature	Date Considered
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Sheet 3 of 11

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Examiner Name	Aaron F. Roane

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	US-5,344,441	09-06-1994	GRONAUER	
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	US-5,364,336	11-15-1994	CARR	
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Examiner Signature	Date Considered
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Sheet 4 of 11

Application No.	10/039,873
Filing Date	January 3, 2002
First Named Inventor	Dany Berube
Art Unit	3739
Examiner Name	Aaron F. Roane
Attorney Docket Number	23488-09188

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document No.	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	US-5,496,271	03-05-1996	BURTON ET AL.	
	US-5,507,743	04-16-1996	EDWARDS ET AL.	
	US-5,514,131	05-07-1996	EDWARDS ET AL.	
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	US-5,737,384	04-07-1998	FENN	
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	US-5,762,626	06-09-1998	LUNDQUIST ET AL.	
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Sheet 5 of 11

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Attorney Docket Number 23488-09188

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	US-5,782,747	07-21-1998	ZIMMON	
	US-5,782,828	07-21-1998	CHEN ET AL.	
	US-5,785,706	07-28-1998	BEDNAREK	
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	US-5,788,692	08-04-1998	CAMPBELL ET AL.	
	US-5,797,905	08-25-1998	FLEISCHMAN ET AL.	
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	US-5,807,309	09-15-1998	LUNDQUIST ET AL.	
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	US-5,823,197	10-20-1998	EDWARDS	
	US-5,823,955	10-20-1998	KUCK ET AL.	
	US-5,826,576	10-27-1998	WEST	
	US-5,829,447	11-03-1998	STEVENS ET AL.	
	US-5,836,990	11-17-1998	LI	
	US-5,840,027	11-24-1998	SWARTZ ET AL.	
	US-5,843,026	12-01-1998	EDWARDS ET AL.	
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	US-5,853,366	12-29-1998	DOWLATSHAH	
	US-5,855,614	01-05-1999	STEVENS ET AL.	
	US-5,861,002	01-19-1999	DESAI	
	US-5,861,021	01-19-1999	THOME ET AL.	
	US-5,863,290	01-26-1999	GOUGH ET AL.	
	US-5,871,481	02-16-1999	KANNENBERG ET AL.	
	US-5,904,709	05-18-1999	ARNDT ET AL.	
	US-5,919,188	07-06-1999	SHEARON ET AL.	
	US-5,924,424	07-20-1999	STEVENS ET AL.	

Examiner Signature	Date Considered
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Sheet 6 of 11

**Complete if Known**

Application No.	10/039,873
Filing Date	January 3, 2002
First Named Inventor	Dany Berube
Art Unit	3739
Examiner Name	Aaron F. Roane

Attorney Docket Number 23488-09188

**U.S. PATENT DOCUMENTS**

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Sheet 7 of 11

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Attorney Docket Number	23488-09188

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Sheet 9 of 11

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Attorney Docket Number 23488-09188

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Sheet 10 of 11

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